EXECUTIVE SUMMARY
INDEPENDENT INVESTIGATIVE REPORT OF
ALLEGATIONS OF DISCRIMINATION BY DR. KEN COOPWOOD

INTRODUCTION

On December 7, 2015, Ellis, Ellis, Hammons & Johnson, P.C. ("Firm") was retained by the Board of Governors of Missouri State University ("University") to perform an independent investigation to determine if Dr. Ken Coopwood has been discriminated against because of his race, in connection with his employment. The goal of the independent investigation was to seek and identify facts concerning Dr. Coopwood's claims and promptly report them to the Board of Governors so appropriate remedial measures could be taken, if necessary, to maintain the University's goal of maintaining a workplace free of illegal discrimination, harassment and intimidation.

COMPLAINT

On December 4, 2015, a Petition was received by the University's Board of Governors from Mr. Du'Sean Howard that alleged Dr. Coopwood has been subjected to discrimination on the basis of his race. For purposes of this investigation, the Petition was interpreted in a manner most favorable to Mr. Howard and Dr. Coopwood.

INVESTIGATIVE PROCESS

A. Persons Interviewed

Interviews of thirty-eight (38) individuals were conducted between December 8 and December 23, 2015. Each interview ranged in length between thirty (30) minutes and four (4) hours in duration. We asked Mr. Howard to meet with us for an interview. However, he refused and declined to be interviewed. Twelve (12) of the witnesses interviewed were identified by Dr. Coopwood. Dr. Coopwood suggested an additional five (5) witnesses, who declined to be interviewed. The individuals interviewed included:

9	African Americans;
1	Hispanic/Latino;
1	Indian;
2	Individuals who identify themselves as having a disability;
18	Women;
10	Caucasian men;
34	Worked with Dr. Coopwood at some point at the University;
13	Worked under Dr. Coopwood at some point in the Division for Diversity and Inclusion; and
4	Community members who worked with Dr. Coopwood.

The purpose of the interviews was to determine whether the interviewees had relevant information: (1) to substantiate the above allegations; (2) to provide background and information

concerning Dr. Coopwood's employment at the University; (3) to identify other possible witnesses who may have information relevant to the investigation; and (4) to obtain documents which may be relevant information to the investigation.

B. Documents Collected and Reviewed

As part of the investigation, certain documents were requested from the University and Dr. Coopwood. Several thousand pages of documents were produced by the University, Dr. Coopwood and other individuals who were interviewed during the investigation. The documents reviewed included, but were not limited to, the following:

- Du'Sean Howard's Petition on Moveon.Org;
- Dr. Coopwood's personnel file;
- Salary information of other Vice Presidents at the University;
- National salary surveys used to negotiate and set the salaries of Vice Presidents at the University;
- The University's EEO Policy;
- The University's Complaint and Grievance policies;
- Requested correspondence, emails, and text messages;
- Employee complaints and investigations with corresponding documentation;
- Operating Budgets for FY 2012 through 2016;
- Administrative Council meeting agendas;
- Climate Study;
- Assessment and Development Plans ("ADP") for Dr. Coopwood and others, as requested;
- 2014-2015 Diversity Programs and Actions Inventory;
- Notes provided by interviewees;
- Personnel Meeting notes;
- Organization Charts;
- Dr. Coopwood's report, "Missouri State University, From Observations to Action";
- December 11, 2014 Administrative Council Expense Review Report;
- May 14, 2015 Internal Audit for Division for Diversity and Inclusion;
- Calendars;
- Relevant media reports;
- Job descriptions;
- Student demand lists;
- The University's Response to Student Demands;
- Various University Policies;
- The University's Long Range Plan;
- Release and Separation Agreement of former employee;
- Vice President suite floorplans;
- Cost figures for Division for Diversity and Inclusion Suite;
- Documents from Interviewees; and
- Documents provided by Dr. Coopwood.

SUMMARY FINDINGS AND CONCLUSIONS

Based upon our investigation, we find no credible evidence which leads us to conclude that Dr. Coopwood has been discriminated against because of his race in connection to his employment at the University. In reaching this conclusion, we find the following:

1. Dr. Coopwood was hired on October 1, 2011, as the University's Vice President for Diversity and Inclusion.

2. Dr. Coopwood's annual salary was determined based on the same process and criteria that were used for other Vice Presidents at the University. The University relies on the College and University Professional Association for Human Resources (CUPA) as a general guideline in order to determine appropriate salary ranges for staff. Dr. Coopwood negotiated his salary before being hired and agreed to accept the position with an initial salary of $112,000.00. In 2011, the CUPA average salary for a person in Dr. Coopwood's position was $99,779.00. Each year thereafter, Dr. Coopwood received the same raise as all other University employees and his salary was above the CUPA average each year. Dr. Coopwood's salary for the 2015-2016 academic year is $120,402.00.

3. The operating budget for the Division for Diversity and Inclusion has increased from $280,456.25 in 2013 to $397,726.74 for the current fiscal year. The method of proposing and setting the operating budget for the Division for Diversity and Inclusion is the same as other divisions and Vice Presidents of the University.

4. President Smart has made additional funds available to the Division for Diversity and Inclusion and other diversity projects out of the President's Budget, including the following: Meyer Library Renovations for TRiO Programs and the Disability Resource Center ($846,962.00); Dr. Coopwood's requested renovation of his office suite ($180,000.00); a consultant recommended by Dr. Coopwood for the Climate Study ($140,000.00); an additional clerical position for the Division for Diversity and Inclusion ($38,804.00); the state-wide diversity conference ($20,000.00); and other diversity workshops, conferences and certifications ($24,000.00).

5. Effective July 1, 2014, the Office of Institutional Equity and Compliance ("OIEC") was moved from the Division for Diversity and Inclusion to report directly to President Smart. The move was intended to create a direct reporting line to the President in order to remove the potential for conflicts of interest in the OIEC's investigation of internal complaints. The move was also intended to allow President Smart to have a greater involvement in the University's Title IX compliance efforts in light of the ongoing national discussions regarding sexual assaults on college campuses.

6. Effective January 1, 2015, the Division for Diversity and Inclusion was restructured and four (4) student service departments (Disability Resource Center, Multicultural Resource Center and Programs, Multicultural Services, and TRiO Programs) were moved to the Division of Student Affairs. This restructuring was due to ongoing complaints by personnel

within the Division for Diversity and Inclusion and to allow Dr. Coopwood to focus on strategic initiatives instead of day-to-day student programs. Dr. Coopwood was involved in the decision-making process that ultimately resulted in this restructure. Dr. Coopwood publicly told employees at the University and media outlets that he was pleased with the decision.

7. There is no credible evidence to conclude that the restructuring of the Division for Diversity and Inclusion, the development of staff within the Division for Diversity and Inclusion, or the personnel issues or employee complaints within the Division for Diversity and Inclusion were the result of racial discrimination against Dr. Coopwood.

CONCLUSION

Having fully investigated the allegations contained in the Petition and having found no credible evidence that Dr. Coopwood was discriminated against because of his race, this investigation is now closed.

ELLIS, ELLIS, HAMMONS & JOHNSON, P.C.

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